

STATE OF WISCONSIN  
**Senate Journal**  
Eighty-Seventh Regular Session

TUESDAY, May 7, 1985

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The senate stood for the prayer which was offered by Father Joseph Bisoffi of St. Francis Hospital in Milwaukee.

The senate remained standing and Senator Plewa led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnecki, Davis, Ellis, Engleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasec, Lee, Leean, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

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INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 45**

Relating to limiting the use of the property tax for school operations (first consideration).

By Senators Theno, Lee and Feingold; cosponsored by Representatives Plizka and Musser, by request of the Iron County Taxpayers Alliance.

Read first time and referred to committee on Education and Government Operations.

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 200**

Relating to minor policy changes in regard to income and franchise taxation; a sales tax exemption for close-out sales by persons holding seller's permits; and the rate for interest on overpayment of taxes.

By Senator Feingold; cosponsored by Representative Neubauer, by request of Department of Revenue.

To Joint Survey committee on Tax Exemptions.

**Senate Bill 201**

Relating to ballot distribution and time for return of ballots at the general election.

By Senators Theno, Rude, Harsdorf, Kincaid and Kreul; cosponsored by Representatives Wineke, Van Gorden, Schultz, Kasten, Radtke, Buettner and Hubler.

To committee on Urban Affairs, Utilities and Elections.

**Senate Bill 202**

Relating to eliminating certain exemptions to the occupational tax on persons handling iron ore concentrates.

By Senator Theno; cosponsored by Representative Jauch.

To Joint Survey committee on Tax Exemptions.

**Senate Bill 203**

Relating to an owner's liability for a vehicle which fails to stop at certain school crossings.

By Senators Andrea, Moen, Roshell, Lorman, Feingold, Hanaway and Plewa; cosponsored by Representatives Antaramian, Barca, Medinger, Brist, Mark Lewis, Volk, Grobschmidt and Buettner.

To committee on Transportation.

**Senate Bill 204**

Relating to increasing the income tax exemption for national guard pay.

By Senators Andrea; cosponsored by Representatives Hauke, Antaramian and Medinger.

To Joint Survey committee on Tax Exemptions.

**Senate Bill 205**

Relating to intoxicated boating, implied consent, samples and tests related to intoxicants, granting rule-making authority and providing and revising penalties.

By Senators Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 206**

Relating to eliminating the gift tax and phasing out the inheritance tax.

By Senators Ulichny, Rude, Andrea, Plewa, Lasec, McCallum, Davis, Roshell, Leean, Harsdorf, Lorman, Hanaway and Chilsen; cosponsored by Representatives Fergus, Swoboda, Merkt, Radtke, Van Gorden, Wineke, Cowles, Zeuske, Porter, Nelsen, Shoemaker, York, Welch, Foti, Hubler, Schneiders, Robinson, Manske, Matty, Musser, Schober, Huelsman, Coleman, Walling, Rosenzweig, Ourada, Turba, Lepak, Vergeront, Buettner, Ladwig and T. Thompson.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

**Senate Bill 207**

Relating to property tax equalization boards, making an appropriation and providing a penalty.

By Senators Lasee, Stitt, Chilsen, Engeleiter and Lorman; cosponsored by Representatives T. Thompson, Bolle, Byers, Vergeront, Bradley and Volk.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

**Senate Bill 208**

Relating to collective bargaining impasse resolution procedures for local government employees other than law enforcement and fire fighting personnel and granting rule-making authority.

By Senators Lasee, Stitt, Rude, Harsdorf and Hanaway; cosponsored by Representatives Vergeront and Welch.

To committee on Labor, Business, Veterans Affairs and Insurance.

**Senate Bill 209**

Relating to operating motor vehicles, using intoxicants or drugs or both, making appropriations and providing penalties.

By Senators McCallum and Lorman; cosponsored by Representatives Black, Vergeront and Weeden.

Read first time and referred to committee on Judiciary and Consumer Affairs.

**Senate Bill 210**

Relating to a sales and use tax exemption for religious literature.

By Senator McCallum; cosponsored by Representatives Swoboda, Kasten, Margaret Lewis, Nelsen, Buettner and Vergeront.

Read first time and referred to Joint Survey committee on Tax Exemptions.

**COMMITTEE REPORTS**

The joint committee for Review of Administrative Rules reports and recommends for introduction:

**Senate Bill 211**

Relating to eliminating certain restrictions on the practice of dentistry.

Introduction:

Ayes, 10 -- Senators Plewa, Norquist, Kincaid, Kreul and Rude, Representatives Brist, Holschbach, Black, Cowles and Welch.

Noes, 0 -- None.

Read first time and referred to committee on Agriculture, Health and Human Services.

JOHN R. PLEWA

Co-Chair

STEVEN C. BRIST

Co-Chair

The committee on Senate Organization reports and recommends:

**Assembly Joint Resolution 32**

Protesting the removal of the remains of Frank Lloyd Wright from Wisconsin and requesting their return.

Concurrence:

Ayes, 5 -- Senators Cullen, Risser, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

TIMOTHY F. CULLEN

Chair

**REPORT OF JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS**

Appendix to Senate Bill 150

Public Policy Involved

This bill is good public policy.

JOSEPH J. CZARNEZKI

Co-Chair

WAYNE W. WOOD

Co-Chair

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Department of State

May 1, 1985

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7):

Sincerely,

DOUGLAS LAFOLLETTE

Secretary of State

**NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:**

ANDERSON, PETER, 114 N. Carroll St., Ste. 208, Madison, WI 53703 (608)251-7020

1) Wisconsin's Environmental Decade, Inc., 114 N. Carroll St., Madison, WI 53703 (608) 251-7020 (environmental; fiscal as related to environmental issues)

BROYDRICK, WILLIAM, 817 N. Marshall St., Milwaukee, WI 53202 (414) 224-9393

1) Wheaton Franciscan Service, Inc., P.O. Box 667, Wheaton, IL 60189 (312) 462-9271 (health)

COOK, SHARON D., c/o Cook & Franke, 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900

1) Superamerica, Div. of Ashland Oil, Inc., Attn: William G. Haddeland, 1240 W. 98th St., Bloomington, MN 55431 (612) 887-6100 (marketing of gasoline to Wisconsin consumers)

HANSON, ALBERT, 5619 LaBuwi Ln., Waunakee, WI 53597 (608) 849-4893

1) Sheet Metal Workers' International Assn. Local Union #18, 5425 W. Vliet St., Milwaukee, WI 53208

JOURNAL OF THE SENATE [May 7, 1985]

(414) 778-1100 (we are concerned with the economic, political and social issues that may relate to Sheet Metal Workers and their families)

HOUGH, JAMES E., One S. Pinckney St., Ste. 818, Madison, WI 53703 (608) 258-9506

1) Madison National Life Insurance Co., Inc. 6120 University Ave., Middleton, WI 53562 (608) 238-2691 (functions and activities of state and local government and units thereof; environment; taxation; regulation of business and finance; economic development; education)

JABLONSKI, FRANK, c/o WI Environmental Decade, 114 N. Carroll, Madison, WI 53703 (608) 251-7020

1) Wisconsin's Environmental Decade, 114 N. Carroll St., Madison, WI 53703 (608) 251-7020 (environmental, fiscal as related to environmental issues)

KUBISTA, ROY E., 5 Odana Ct., Madison, WI 53719 (608) 271-8850

1) WI State Employees Union, Council 24, AFSCME, Attn: Marty Beil, 5 Odana Ct., Madison, WI 53719 (608) 274-7200 (all legislation or administrative actions relating to or affecting labor organizations or public and private employees or their employers); 2) WI Council of County and Municipal Employees Council 40, AFSCME, Attn: Robert Lyons, 5 Odana Ct., Madison, WI 53719 (608) 274-9100 (all legislation or administrative actions relating to or affecting labor organizations or public and private employees or their employers)

LISSE, RICHELLE, c/o WI Environmental Decade, 114 N. Carroll St., Ste. 208, Madison, WI 53703 (608) 251-7020

1) Wisconsin Environmental Decade, Inc., 114 N. Carroll St., Madison, WI 53703 (608) 251-7020 (environmental, fiscal as related to environmental issues)

State Agencies

Wisconsin Department of Veteran Affairs, 77 N. Nickinson St., P.O. Box 7843, Madison, WI 53707 (608) 266-1311 (any legislation affecting the Department of Veterans Affairs)

John Ellery  
Harvey Stower

State of Wisconsin  
Claims Board

May 1, 1985

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on April 22, 1985.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,  
EDWARD D. MAIN  
Secretary

STATE OF WISCONSIN  
CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on April 22, 1985 upon the following claims:

Claimant	Amount
Frances McGee	\$ 2,000.00
Schankey Steel, Inc.	392.43
Dewain & Betty Jones	29,440.68
Village of Bangor	75,000.00
Town of Sterling	14,134.66
Town of Sterling	1,039.67

In addition, the following claims were considered and decided without hearings:

Sharon Kenney	\$ 93.19
Neal Lehnert	206.32
John Sorenson	50.00
Paula Endter	504.12*
Town of Barton	13,496.42
Alvin Tollefson	15.00
Robert Borum	200,000.00
Bernice Yanke	25.00
St. John's Lutheran Church	179.92
Susan Mitchell	4,727.50
Stephen & Barbara Bay	54.97
Ronald Dick	186.38

THE BOARD FINDS:

1. Frances McGee of Oconomowoc claims \$2,000.00 for pain and suffering as the result of injuries she sustained on January 26, 1983, when she descended a stairway leading to the parking lot at the University of Wisconsin-Waukesha County. Claimant alleges the area was poorly lit causing her to miss the bottom steps and fall, breaking both of her legs. The area is illuminated by a 400 watt sodium vapor lamp which is located about 25 feet from the last step of the stairway. The Board concludes there is insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Colas dissents).

2. Schankey Steel, Inc. of Mukwonago claims \$392.43 for damages incurred to its truck in January and February 1985, allegedly due to the rough road surface on Highway 83, north of Mukwonago. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. Dewain & Betty Jones of Sparta claim \$29,440.68 for expenses incurred as a result of a Department of Revenue audit of the claimants and their business, Jones Enterprises, Ltd., in 1977. The field audit resulted in assessments against claimants in the amount of \$115,000.00 on March 21, 1980. Claimants allege the auditor was reckless with regard to assumptions made as to claimants' financial affairs. Claimants filed a petition for redetermination on April 15, 1980, and a conference was held on October 12, 1980, with a Department of Revenue Appellate Bureau Conferee, the auditor and the claimants. Fourteen additional conferences were held at which additional records were submitted and a final conference on April 7, 1983, resulted in reduced assessments. Claimants appealed the Department of Revenue's action to the Wisconsin Tax Appeals Commission and a settlement was reached between claimants and the Department of Revenue on August 7, 1984. The Board concludes the claim should be paid in the reduced amount of \$1,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Revenue appropriation s. 20.566(1)(a), Stats.

4. Village of Bangor claims \$75,000.00 for construction and engineering costs associated with replacement of the 16th Street bridge located over a former railroad right-of-way which was acquired by the Department of Natural Resources in 1979, as part of the La Crosse River State Recreational Trail. The new bridge replaces an old wooden structure that had been owned and maintained by the railroad. The bridge was specifically excluded from the deed of conveyance to the State from the Chicago Northwestern Railroad. The Board concludes this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

5) Town of Sterling claims \$14,134.66 for replacement cost of the 285th Avenue bridge in Polk County, allegedly damaged by the failure of the Grettum Dam in the Fish Lake Wildlife Area in Burnett County on June 13, 1984. The actual replacement cost of the bridge was \$56,538.64. The amount claimed is the portion of the costs not reimbursable by the Department of Transportation flood damage aids program under s. 86.34, Stats. The Board concludes there has been insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

6. Town of Sterling claims \$1,039.67 for repair of the 285th Avenue bridge in Polk County, allegedly damaged by the failure of the Grettum Dam in the Fish Lake Wildlife Area in Burnett County on June 13, 1984. The repair costs were incurred before the bridge was closed by the Department of Transportation because the extent of the structural damage to the bridge was not apparent until after the water receded. The amount claimed is the portion of the repair costs not reimbursed by the

Department of Transportation flood damage aids program under s. 86.34, Stats. The Board concludes the claim should be paid in the reduced amount of \$1,000.00, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

7. Sharon Kenney of Chippewa Falls claims \$93.19 for damages to her automobile allegedly incurred in the parking lot at the Northern Wisconsin Center on December 19, 1984, although there were no witnesses as to how the damage was caused. A majority of the Board concludes there is no evidence of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Members Schneider and George dissenting).

8. Neal Lehnert of Waukesha claims \$206.32 for damages to his automobile inflicted by vandals while the automobile was parked in St. Albert's Congregation parking lot in Milwaukee on April 14, 1984. Claimant had been assigned to inspect St. Albert's bingo occasion as part of his duties as an employee of the Department of Regulation and Licensing. The automobile door window was allegedly smashed and claimant's fuzz buster was stolen. The Board concludes there is no showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

9. John Sorenson of Menomonie claims \$50 as the amount of money allegedly stolen from his dormitory room on the University of Wisconsin-Stout campus when his dorm room was left unlocked after a fire drill conducted on December 16, 1984. During the alarm, all dormitory rooms were opened and checked. Claimant's room was not relocked. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(h), Stats.

10. Paula Endter of Menasha claims \$504.12 plus interest for a tax assessment she paid in 1982 as a result of an adjustment made by the Internal Revenue Service to her income tax return for 1978, taxing certain strike benefits. In 1984, the Internal Revenue Service reversed its position and held that strike benefits were not taxable income. The Department of Revenue would have issued a refund if claimant had notified the Department within 90 days of a change or correction of taxable income by the Internal Revenue Service pursuant to s. 71.11(21)(g) 2 and (21m), Stats. The Board concludes the claim should be paid in the reduced amount of \$382.00, the amount of the tax assessment only, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

11. Town of Barton claims \$13,496.42 for damages incurred as a result of a state supervised assessment of all

taxable property in the town for the 1976 tax year. The Laird Company was awarded the contract to perform a revaluation for the town. The Laird Company received general supervision from the Department of Revenue. The charge of \$13,496.42 represents the cost of that revaluation and under s. 70.75(4), Stats., is to be paid by the taxation district. Claimant alleges that numerous errors had been made by the Laird Company in accomplishing the 1976 revaluation resulting in the town having to reimburse various taxpayers \$4,874.22 for illegally collected taxes. In addition, in preparation of the 1977 tax roll, the local assessor was required to do a substantial amount of extra work in correcting the errors of the 1976 reassessment. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Schneider dissents).

12. Alvin Tollefson of Fond du Lac claims \$15.00 for replacement cost of his shirt allegedly damaged on approximately December 13, 1984, by a leaking ballpoint pen issued to him by the state. Claimant is an employe of the Department of Industry, Labor and Human Relations Job Service Office in Fond du Lac. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

13. Robert Borum of Milwaukee claims \$200,000.00 for compensation for permanent disability suffered as the result of an industrial accident which occurred on March 31, 1955, at the American Motors Plant in Kenosha. Claimant alleges that he has not been adequately compensated for his injuries because the State Industrial Commission did not consider all of claimant's injuries at its first hearing and subsequently denied any rehearings and negligently issued a premature order denying his claim of permanent injuries on November 30, 1955. The Board recommends that the claim be paid in the reduced amount of \$25,000.00 based on equitable principles. (Member Wilker dissents).

Dissent by Member Wilker: I dissent from the decision recommending to the Legislature that the claimant be awarded \$25,000.00. I believe that this claim has no merit.

There is not one shred of evidence in the record that any state officer, employe or agent of the state was negligent, nor is there anything in the record that suggests that the taxpayers of this state, in equity or as a matter of conscience, should pay claimant any money.

Claimant's current claim is that the then Industrial Commission did not properly conduct the hearing on his claim. This assertion was not initially made but was made well after claimant was unsuccessful with the volume of litigation attempting to overturn the decision of the Industrial Commission on his claim. The claim has no basis in the record. Further, I must note that claimant's competent attorneys who

appealed claimant's initial appeal of the Industrial Commission's decision made no such assertion.

Claimant, having gone through the system established by the Legislature to determine industrial accident claims such as claimant's, and having lost, now is attempting to convince the Legislature that it should end-run the system. But even claimant's basic claim is not supported by the record. In the Supreme Court's decision on claimant's initial appeal of the Industrial Commission's decision, we read:

"Although there is a wealth of testimony presented by an array of doctors which supports the extent and duration of disability, appellant (Borum) has neglected to refer to any such evidence in his appendix. This evidence is furnished us by the supplemental appendix of the Industrial Commission and that of the employer. It amply supports the award and the commission's order and is conclusive upon us."

I have carefully reviewed the record "compiled" by claimant and the most that can be said is that some of claimant's ailments conceivable are a produce of his belief that they are related to the industrial accident.

14. Bernice Yanke of North Freedom claims \$25 for deer damage to ornamental plantings located on her property in Sauk County in 1984. Even though legal title to all wild animals in Wisconsin is vested in the state pursuant to s. 29.02(1), Stats., mere ownership does not create legal liability for damages done by wild animals. There is no showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

15. St. John's Lutheran Church of Leland claims \$179.92 for deer damage to shrubs located on its property in Sauk County in January and February, 1984. Even though legal title to all wild animals in Wisconsin is vested in the state pursuant to s. 29.02(1), Stats., mere ownership does not create legal liability for damages done by wild animals. There is no showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

16. Susan Mitchell of West Bend claims \$4,727.50 for attorney fees incurred for representation of her husband before the Personnel Commission relating to the termination of his position as a conservation warden with the Department of Natural Resources in 1983. The Personnel Commission, in its order dated August 30, 1984, modified the Department of Natural Resources' discharge of Mr. Mitchell to a 30-day suspension without pay. Subsequent to the Personnel Commission decision, Mr. Mitchell entered into a settlement agreement with the Department of Natural Resources releasing the state from any further claims arising from the proceeding. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member George dissents).

17. Stephen & Barbara Bay of Gurnee, Illinois, claim \$54.97 for damage to their tent on August 30, 1984, while they were camping at the Council Grounds State Park in Merrill. The top of a dead tree fell on top of claimants' tent bending the poles, tearing the screening and ripping a hole in the tent roof. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

18. Ronald Dick of Wisconsin Dells claims \$186.38 for replacement of his jacket which was sprayed with paint by a Department of Natural Resources employe who was marking trees for harvest on the property of the World Wide Church of God in Adams County on December 6, 1984. The Board concludes the claim should be paid in the reduced amount of \$130.47, which represents the 30% depreciated value of the coat, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

**THE BOARD CONCLUDES:**

1. The claims of the following claimants should be denied:

- Frances McGee
- Schankey Steel, Inc.
- Village of Bangor
- Town of Sterling
- Sharon Kenney
- Neal Lehnert
- Town of Barton
- Alvin Tollefson
- Bernice Yanke
- St. John's Lutheran Church
- Susan Mitchell
- Stephen & Barbara Bay

2. Payment of the following amounts to the following claims is justified under s. 16.007, Stats.:

Dewain & Betty Jones	1,000.00
Town of Sterling	1,000.00
John Sorenson	50.00
Paula Endter	382.00
Ronald Dick	130.47

**THE BOARD RECOMMENDS:**

1. Payment of \$25,000.00 be made to Robert Borum as compensation for a permanent disability suffered as a result of an industrial accident which occurred on March 31, 1955 at the American Motors Plant in Kenosha.

Dated at Madison, Wisconsin this 30th day of April, 1985.

GARY R. GEORGE  
Senate Finance Committee  
  
MARLIN D. SCHNEIDER  
Assembly Finance Committee

JUAN B. COLAS  
Representative of Governor  
  
EDWARD D. MAIN  
Representative of Secretary of Administration  
  
WILLIAM H. WILKER  
Representative of Attorney General

State of Wisconsin  
Legislative Council

May 1, 1985

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1985 Legislature on legislation introduced by the Legislative Council:

RL 85- 5 -- Legislation on Marital Property Implementation (Senate Bill 150)

RL 85- 6 -- Legislation on Natural Death (Assembly Bill 252)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,  
**BONNIE REESE**  
Executive Secretary

State of Wisconsin  
Department of Health and Social Services

April 29, 1985

To the Honorable, the Senate:

Pursuant to the duty imposed on the department by Section 150.83, Wis. Stats., the Department of Health and Social Services hereby adopts the attached document as the 1984 Update of the Bed Need Component of the State Medical Facilities Plan, effective immediately.

Sincerely,  
**LINDA REIVITZ**  
Secretary

By request of Senator Cullen, with unanimous consent, **Senate Bill 209** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

By request of Senator Cullen, with unanimous consent, **Senate Bill 203** was withdrawn from the committee on Transportation and referred to committee on Senate Organization.

CALENDAR OF MAY 7

By request of Senator Cullen, with unanimous consent, the appointments were considered enmasse.

**BILLER, LESTER C.**, of Plymouth, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1986.  
Read.

**BRILL, CAROL**, of Milwaukee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 1987.  
Read.

**CARLEY, JAMES**, of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 1986.  
Read.

**CRANLEY, ED**, of Madison, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1989.  
Read.

**KAY, ARLAN**, of Oregon, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1989.  
Read.

**LE COUNT, LYNNE**, of Sun Prairie, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1989.  
Read.

**PAULSON, DONALD L.**, of Madison, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1989.  
Read.

**PAVELSKI, JACQUELINE**, of Eau Claire, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 1990.  
Read.

**PLUMMER, JEANNE**, of Madison, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1989.  
Read.

**SULLIVAN, MARY HALL**, of Milwaukee, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1989.  
Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarneski, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

**Clearinghouse Rule 85-5**

AN ORDER to create Ag 72.04 (10), relating to the sale of hazardous substances within this state and the sale of butyl nitrite and its isomers within this state.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, May 2, 1985.

Referred to committee on Energy and Environmental Resources, May 7, 1985.

**Clearinghouse Rule 85-39**

AN ORDER to amend ILHR 41.10 Table 41.10-A, relating to boilers and pressure vessels.

Submitted by Department of Industry, Labor & Human Relations.

Report received from agency, May 3, 1985.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, May 7, 1985.

**Clearinghouse Rule 84-220**

AN ORDER to create chapter Trans 29, relating to installing and maintaining utility facilities on department of transportation railroad property.

Submitted by Department of Transportation.

Report received from agency, May 6, 1985.

Referred to committee on Transportation, May 7, 1985.

The committee on Energy and Environmental Resources reports and recommends:

**Clearinghouse Rule 84-176**

AN ORDER to repeal NR 154.20 (1) and (3) (e), 155.01 (5), (6) and (7), 155.02, 155.04 and 155.07; to renumber ch. NR 155 (title) and NR 155.01 (intro.), 155.035, 155.05 and 155.06; to renumber and amend NR 154.20 (title), (2) and (3) (a) to (d), 155.01 (1), (2), (3) and (4), 155.03 and 155.06 (3); and to create NR 415.01 (4) and (6) to (13), 415.02, 415.04, 463.01 and 463.03 (5), relating to air pollution episode levels and episode emission control action programs, ambient air quality standards and air quality monitoring.

Submitted by Department of Natural Resources.

No action taken.

**Clearinghouse Rule 84-203**

AN ORDER to create NR 8.01 (1) (h) and (m) and 8.04, relating to identification requirements for license purchases by Wisconsin residents.

Submitted by Department of Natural Resources.

No action taken.

**Clearinghouse Rule 84-236**

AN ORDER to renumber NR 25.02 (16) to (29); to repeal and recreate NR 25.04; and to create NR 25.02 (16), relating to commercial fishing on outlying waters.

Submitted by Department of Natural Resources.

No action taken.

JOE STROHL  
Chair

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 23**

Passed and asks concurrence in:

**Assembly Bill 30**  
**Assembly Bill 76**  
**Assembly Bill 185**  
**Assembly Bill 255**

Concurred in:

**Senate Joint Resolution 39**  
**Senate Joint Resolution 40**  
**Senate Bill 89**

**Senate Bill 76**, senate amendment 1 to assembly amendment 4 and senate amendment 1 to assembly amendment 11

Nonconcurring in:

**Assembly Bill 78**, senate substitute amendment 2

MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 23**

Memorializing congress to create a federal commission on youth suicide prevention.

By Representatives Krusick, Magnuson, Grobschmidt, Hasenohrl, Gruszynski, Bell and Barrett, cosponsored by Senator Otte.

Read and referred to committee on Agriculture, Health and Human Services.

**Assembly Bill 30**

Relating to special registration plates issued to ex-prisoners of war.

By Representatives Hephner, Potter, Menos, Swoboda, Hasenohrl, Gronemus, Antaramian, Wood,

Hubler, Mark Lewis, Merkt, Matty, Holschbach, Weeden, Magnuson, Turba, Goetsch, Prosser and Van Gorden, cosponsored by Senators Czarnecki and Lasee.

Read first time and referred to committee on Transportation.

**Assembly Bill 76**

Relating to mental health.

By Representatives Rosenzweig, Kunicki, T. Thompson, Holperin, Krug, Weeden, Huelsman, Schneiders, Gronemus, Tregoning, Merkt, Seery, Van Gorden, Wimmer, Buettner, Potter, Berndt, R. Travis, Magnuson, Nelsen, Prosser, Robinson, Margaret Lewis, Panzer and Becker, cosponsored by Senators Otte, Engeleiter, Czarnecki, Chilsen, Andrea, Plewa, Lorman and Van Sistine.

Read first time and referred to committee on Agriculture, Health and Human Services.

**Assembly Bill 185**

Relating to revision of the laws governing cooperative associations.

By Representatives Shoemaker, Vanderperren, Swoboda, T. Thompson, Mark Lewis, Seery, Clements, Goetsch, Brist, Turba, Hasenohrl, Volk, Merkt, Radtke, Matty, Medinger, Potter, Paulson, Gronemus, Holperin, Hubler, Robinson, Zeuske, Bolle, Berndt, Schultz, Wineke, Tregoning, Looby, R. Thompson, Musser, Panzer and Black, cosponsored by Senators Moen, Otte, Feingold, Harsdorf, Norquist, Chilsen, Van Sistine, Chvala, Czarnecki, Kincaid, Theno, Rude, Kreul, Risser, Roshell, Llean, Helbach, Lasee and Lorman.

Read first time and referred to committee on Agriculture, Health and Human Services.

**Assembly Bill 255**

Relating to including additional information on property tax bills.

By committee on Ways and Means, by request of Department of Revenue.

Read first time and referred to committee on Tourism, Revenue, Financial Institutions and Forestry.

CALENDAR OF MAY 7

**Senate Bill 150**

Relating to implementation of the marital property act and granting rule-making authority.

Read a second time.

By request of Senator Kreul, with unanimous consent, the senate recessed until 11:42 A.M.

10:18 A.M.

RECESS

11:42 A.M.

The senate reconvened.

By request of Senator George, with unanimous consent, **Senate Bill 150** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 150** was withdrawn from the joint committee on Finance and considered for action at this time.

**Senate Bill 150**

Relating to implementation of the marital property act and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1? Adopted.

Senate amendment 2 offered by Senator Risser.

The question was: Adoption of senate amendment 2? Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 150**

Read a third time and passed.

**Assembly Joint Resolution 32**

Protesting the removal of the remains of Frank Lloyd Wright from Wisconsin and requesting their return.

Read.

Concurred in.

**Assembly Bill 53**

Relating to student membership on the board of regents of the university of Wisconsin system.

Read a second time.

Senate amendment 1 offered by Senator Cullen.

The question was: Adoption of senate amendment 1?

Senator Czarnecki moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chvala, Czarnecki, Davis, Engeleiter, George, Harsdorf, Lasee, Lee, McCallum, Moen, Otte, Roshell, Stitt, Strohl and Theno -- 16.

Noes -- Senators Andrea, Chilsen, Cullen, Ellis, Feingold, Hanaway, Helbach, Kincaid, Kreul, Lekan, Lorman, Norquist, Plewa, Risser, Rude, Ulichny and Van Sistine -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Cullen, Ellis, Feingold, George, Hanaway, Helbach, Kincaid, Kreul, Lekan, Lorman, Norquist, Plewa, Risser, Rude, Strohl, Ulichny and Van Sistine -- 19.

Noes -- Senators Adelman, Chvala, Czarnecki, Davis, Engeleiter, Harsdorf, Lasee, Lee, McCallum, Moen, Otte, Roshell, Stitt and Theno -- 14.

Absent or not voting -- None.

So the amendment was adopted.

Senate amendment 2 offered by Senator Cullen.

Senate amendment 1 to senate substitute amendment 2 offered by Senator Cullen.

The question was: Adoption of senate amendment 1 to senate amendment 2?

Adopted.

Senate amendment 2 to senate amendment 2 offered by Senator Rude.

The question was: Adoption of senate amendment 2 to senate amendment 2?

Senator Czarnecki moved rejection of senate amendment 2 to senate amendment 2.

The question was: Rejection of senate amendment 2 to senate amendment 2 to **Assembly Bill 53**?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Helbach, Kincaid, Lasee, Lee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 29.

Noes -- Senators Hanaway, Harsdorf, Kreul and Rude -- 4.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 2? Adopted.

Senate amendment 3 offered by Senator Rude.

The question was: Adoption of senate amendment 3?

By request of Senator Rude, with unanimous consent, senate amendment 3 was returned to the author.

Senate amendment 4 offered by Senator Czarnecki.

The question was: Adoption of senate amendment 4? Adopted.

Senate amendment 5 offered by Senator Harsdorf.

The question was: Adoption of senate amendment 5?

By request of Senator Harsdorf, with unanimous consent, senate amendment 5 was returned to the author.

Senate amendment 6 offered by Senator Chilsen.

Senator Czarnetzki moved rejection of senate amendment 6.

The question was: Rejection of senate amendment 6?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnetzki, Feingold, George, Harsdorf, Helbach, Kincaid, Lee, Moen, Norquist, Otte, Plewa, Risser, Roshell, Strohl, Ulichny and Van Sistine -- 20.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Kreul, Lasee, Lekan, Lorman, McCallum, Rude, Stitt and Theno -- 13.

Absent or not voting -- None.

So the motion prevailed.

By request of Senator Lorman, with unanimous consent, the vote by which senate amendment 4 was adopted was reconsidered.

By request of Senator Lorman, with unanimous consent, she withdrew her motion for reconsideration of the vote by which senate amendment 4 was adopted.

Senator Harsdorf moved reconsideration of the vote by which senate amendment 4 to **Assembly Bill 53** was adopted.

The question was: Reconsideration of the vote by which senate amendment 4 was adopted.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Lasee, Lekan, Lorman, McCallum, Roshell, Rude, Stitt and Theno -- 14.

Noes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnetzki, Feingold, George, Helbach, Kincaid, Kreul, Lee, Moen, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

#### **Assembly Bill 53**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chvala, Cullen, Czarnetzki, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lee, McCallum, Moen, Plewa, Risser, Rude, Strohl, Theno and Ulichny -- 21.

Noes -- Senators Andrea, Chilsen, Davis, Ellis, Lasee, Lekan, Lorman, Norquist, Otte, Roshell, Stitt and Van Sistine -- 12.

Absent or not voting -- None.

So the bill was concurred in as amended.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Cullen, with unanimous consent, the senate recessed until 2:15 P.M.

1:43 P.M.

RECESS

2:15 P.M.

The senate reconvened.

#### **Assembly Bill 83**

Relating to permitting brewers and alcohol beverage wholesalers, manufacturers and rectifiers to contribute things of value to retail alcohol beverage trade associations.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

#### **Assembly Bill 83**

Read a third time and concurred in.

#### **Assembly Bill 221**

Relating to the Fox river management commission, management and operation of the Fox river locks and facilities, user fees and making appropriations.

Read a second time.

Senate amendment 1 offered by Senator Kincaid.

The question was: Adoption of senate amendment 1?

By request of Senator Kincaid, with unanimous consent, senate amendment 1 was returned to the author.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

#### **Assembly Bill 221**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnetzki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 31.

Noes -- Senators Lee and Roshell -- 2.

Absent or not voting -- None.

So the bill was concurred in.

By request of Senator Roshell, with unanimous consent, the senate recessed until 3:03 P.M.

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2:32 P.M.

RECESS

3:03 P.M.

The senate reconvened.

By request of Senator Kincaid, with unanimous consent, the rules were suspended and **Assembly Bill 255** was withdrawn from committee on Tourism, Revenue, Financial Institutions and Forestry and taken up at this time.

**Assembly Bill 255**

Relating to including additional information on property tax bills.

Read a second time.

Senate amendment 1 offered by Senators Harsdorf and Lasee.

The question was: Adoption of senate amendment 1?

Senator Cullen moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Lee, Moen, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 18.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Leman, Lorman, McCallum, Roshell, Rude, Stitt and Theno -- 15.

Absent or not voting -- None.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 255**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Helbach, Kincaid, Lee, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Strohl, Ulichny and Van Sistine -- 25.

Noes -- Senators Chilsen, Harsdorf, Kreul, Lasee, Leman, Rude, Stitt and Theno -- 8.

Absent or not voting -- None.

So the bill was concurred in.

Senator Kincaid moved that the rules be suspended and **Assembly Bill 78** be withdrawn from the committee on Senate Organization and taken up at this time.

The question was: Shall the rules be suspended and **Assembly Bill 78** be withdrawn from committee on Senate Organization and taken up at this time?

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Leman, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Roshell, Rude, Strohl, Theno, Ulichny and Van Sistine -- 28.

Noes -- Senators Adelman, Lasee, Lee, Risser and Stitt -- 5.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative, the rules were suspended and **Assembly Bill 78** was withdrawn from committee on Senate Organization and taken up at this time.

**Assembly Bill 78**

Relating to hunting bear and related licenses, permits, fees and procedures, granting rule-making authority and providing penalties.

Read.

Senator Kincaid moved that the senate recede from its position.

The question was: Shall the senate recede from its position?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Cullen, Ellis, Feingold, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leman, McCallum, Moen, Roshell, Rude and Van Sistine -- 16.

Noes -- Senators Adelman, Chvala, Czarnecki, Davis, Engeleiter, George, Hanaway, Lee, Lorman, Norquist, Otte, Plewa, Risser, Stitt, Strohl, Theno and Ulichny -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Shall the senate adhere to its position?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chvala, Cullen, Czarnecki, Davis, Engeleiter, George, Hanaway, Lasee, Lee, Lorman, Norquist, Otte, Plewa, Risser, Stitt, Strohl, Theno and Ulichny -- 19.

Noes -- Senators Andrea, Chilsen, Ellis, Feingold, Harsdorf, Helbach, Kincaid, Kreul, Leman, McCallum, Moen, Roshell, Rude and Van Sistine -- 14.

Absent or not voting -- None.

So the motion prevailed.

Senator Strohl asked unanimous consent that the senate appoint a Committee of Conference on **Assembly Bill 78**.

Senator Ellis objected.

Senator Strohl moved that the senate appoint a Committee of Conference on **Assembly Bill 78**.

The question was: Shall the senate appoint a Committee of Conference on **Assembly Bill 78**?

The ayes and noes were demanded and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Chvala, Cullen, Czarnezki, Davis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 31.

Noes -- Senators Andrea and Ellis -- 2.

Absent or not voting -- None.

So the motion prevailed.

The chair appointed as conferees on its part Senators Strohl, Czarnezki and Theno.

The question was: Shall the conferees be confirmed?  
Confirmed.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Ellis, with unanimous consent, the senate adjourned in honor of Senator Theno's birthday.

By request of Senator Adelman, with unanimous consent, the senate adjourned in honor of Senator Kincaid's birthday.

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#### AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 141** by Senators Czarnezki, Strohl and Lorman.

Senate amendment 1 to **Senate Bill 198** by Senator Lorman.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, May 9.

3:42 P.M.

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#### CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Assembly Bill 255**, assembly amendment 4 to assembly substitute amendment 1

1. Page 1, line 3: after "ending with" insert "the 2nd".